

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3:98CR00013-08 (HL)

RICARDO VELEZ-ARENAS

MOTION NOTIFYING VIOLATIONS OF THE SUPERVISION CONDITIONS AND
REQUESTING THE ISSUANCE OF A WRITTEN REPRIMAND

TO THE HONORABLE HECTOR M. LAFFITTE
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, ABNER VALCARCEL-MATOS, United States Probation Officer of this Court, and respectfully informs as follows:

On March 31, 2005, a motion was filed notifying that the offender had violated the supervision conditions by engaging in substance abuse. Moreover, it was requested that the conditions of supervision be modified for the offender to participate in a mental health program for evaluation and/or treatment. On April 11, 2005, our motion was granted.

Since the filing of the last motion, the offender has violated the following conditions of his supervised released term:

1. GENERAL CONDITION- "WHILE ON SUPERVISED RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME."

On January 7, 2006, the offender was arrested and charged with violating Article 404 of the Puerto Rico Controlled Substances Law by possessing heroin. A preliminary hearing was held on April 26, 2006, during which time the charge was dismissed by the Honorable Manuel Cabán-Soto, Superior Judge for the Superior Court, San Juan Part since no probable cause was found. Subsequently, the prosecutor requested a preliminary hearing in appeals that was held on May 10, 2006. During such hearing, the charge was once again dismissed by the Honorable Carlos A. Cabán-García, Superior Judge for the Superior Court, San Juan Part since no probable cause was found.

2. STANDARD CONDITION NO. 11- "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO (72) HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER".

Mr. Vélez-Arenas failed to notify that he was arrested by the local police agents as required.

WHEREFORE, I declare under penalty and perjury that the foregoing is true and correct. It is respectfully requested that a written reprimand be issued to the offender. The offender's term of supervised release is scheduled to expire on September 17, 2006. Should he incur in additional violations, the Court will be duly notified. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 7th day of June 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Abner Valcarcel
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CERTIFICATE OF SERVICE

I HEREBY certify that on June 7, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Evelyn Canals-Lozada, Assistant U.S. Attorney and Francisco Dolz-Sanchez, Esq.

In San Juan, Puerto Rico, this 7th day of June 2006.

s/ Abner Valcarcel
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